

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB-ACE
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	Section 5: Rio Gallina
Defendants.)	
)	

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT

THIS MATTER is before the Court on Plaintiff State of New Mexico, ex rel. State Engineer's (State's) Motion for Default Judgement filed December 7, 2004 (Docket No. 7675). The State requests that the Court grant judgment against Unknown Claimants of Interest to Surface Waters in the Rio Gallina Section of the Rio Chama Stream System, finding that those defendants have no surface water irrigation rights in the Rio Gallina Section and barring any future claims of right which may arise.

Being fully advised in the premises, the Court finds

1. The March 15, 2000, Procedural Order for the Adjudication of Water Rights Claims in the Rio Gallina Section of the Rio Chama Stream System at ¶V.I. (No. 5890) mandates that any individuals claiming water rights within the Rio Gallina Section whose claims were not included in the State's hydrographic survey file statements of omitted claim with the Court by December 29, 2000.

2. The Court has jurisdiction over these unknown claimants of interest, as service of process was accomplished by publication, as shown by the Proof of Publication of Pendency of Suit filed December 1, 2000 (No. 6060).

3. These unknown claimants of interest failed to appear, answer, or otherwise submit any statements of omitted claim.

4. No responses to this Motion have been filed.

5. The adjudication of the surface water irrigation claims in the Rio Gallina Section is drawing to a close, and the parties contemplate that a final partial decree will be entered for this section in the near future.

IT IS ORDERED, THEREFORE, that the State's Motion is GRANTED.

IT IS FURTHER ORDERED that all future claims to surface water irrigation rights in the Rio Gallina Section, are barred from consideration by this Court, and are outside the scope of the adjudication of this section.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Recommended for entry:

/electronic signature/
SPECIAL MASTER VICKIE L. GABIN